UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,445	09/29/2000	Ronald R. Martinsen	2710	4420

7590   07/13/2005

LAW OFFICES OF ALBERT S. MICHALIK, PLLC
704 228th AVENUE NE
SUITE 193
SAMMAMISH;, WA   98074

EXAMINER
NGUYEN, NHON D

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/677,445	MARTINSEN ET AL.
	Examiner	Art Unit
	Nhon (Gary) D. Nguyen	2179

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _21 April 2005_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-29_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-29_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to amendment, filed 04/21/2005.

2. Claims 1-29 are pending in this application. Claims 1, 18, 24, 25 and 29 are independent

claims. In this amendment, no claim is canceled, no claim is amended, and no claim is added.

This action is made final.

Claim Rejections - 35 USC § 101

3. Claims 18-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter. The computer readable medium includes intangible media such

as signals, carrier waves, transmissions, optical waves, transmission media or other media

incapable of being touched or perceived absent the tangible medium through which they are

conveyed (application specification page 11, lines 3-9).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie (US

6,266,681) in view of Kerbs et al. ("Kerbs", US 6,668,369).

As per independent claim 1, Guthrie teaches in a computer system, a method comprising: interpreting a page, the page comprising:

an import instruction that references a behavior component, an element linked to the behavior component; (col. 5, lines 14-18 and lines 33-34); and

determining a behavior of the element on the page by instantiating the behavior component in accordance with the import instruction prior to interpreting the element (col. 5, lines 26-29).

Guthrie teaches a separate interceptor code module intercepts the events generated by users on the HTML interface (for example, clicking on or moving a mouse over an element on the HTML interface), and then modifies the contents of the HTML document to include inject code (inject code is just a dynamic script) and finally returns the HTML and the injected code (or behavior component bounced to the selected element) to the Web browser for dynamic display (e.g. col. 5, lines 35-58 and col. 6, lines 1-48). However, Guthrie does not disclose the above dynamic display process coded in dynamic hypertext markup language (DHTML). Krebs teaches a DHTML language is merely a combination of static HTML and dynamic script (col. 1, lines 52-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Krebs of using DHTML as a combination of HTML and dynamic script in Guthrie's HTML and dynamic script system since it would have allowed Web developers to implement modularity in their site designs in order to simplify updates and alterations.

As per claim 2, which is dependent on claim 1, it is inherent in Guthrie's HTML/Web system that the element is must be associated with a namespace in the page.

As per claim 3, which is dependent on claim 2, Guthrie teaches wherein the behavior

component comprises a name for creating a custom element that may be linked to the behavior

component, and wherein a syntax for the element comprises a reference to the name (col. 13, line

16 – col. 14. line 17).

As per claim 4, which is dependent on claim 3, it is inherent in Guthrie's HTLL/Web

system that the syntax for the element further comprises a reference to the namespace.

As per claim 5, which is dependent on claim 1, Guthrie teaches the behavior component

comprises a name or creating a custom element that may be linked to the behavior component,

and wherein a syntax for the element comprises a reference to the name (col. 13, line 16 – col.

14. line 17).

As per claim 6, which is dependent on claim 1, since the behavior component, which is

injected into the HTML code, is written in Javascript, it is inherent in Guthrie's system that the

behavior component is instantiated in accordance with a thread, and wherein the import

instruction causes at one other thread to cease while instantiating the behavior component (col. 4,

lines 1-2).

As per claims 7 and 8, which are dependent on claims 1 and 7, Guthrie teaches binding

the element to the behavior component and wherein the element is bound synchronously to the

behavior component (col. 5, lines 35-58).

As per claim 9, which is dependent on claim 1, Guthrie teaches the behavior component

comprises content, and wherein instantiating the behavior component comprises inserting the

content into the page (col. 6, lines 29-40).

As per claim 10, which is dependent on claim 9, Guthrie teaches interpreting the page

comprises creating a document structure, wherein instantiating the behavior component

comprises creating a document fragment including content, and wherein inserting the content

into the page comprises inserting the document fragment into the document structure (col. 6, line

41 – col. 7, line 19).

As per claim 11, which is dependent on claim 1, it is rejected under the same rationale as

claim 10.

As per claim 12, which is dependent on claim 1, Guthrie teaches interpreting the page

comprises creating a document structure, and wherein instantiating the behavior component

comprises, creating a document fragment; and maintaining the document fragment separate from

the document structure (col. 6, line 41 – col. 7, line 19).

As per claim 13, which is dependent on claim 12, it is inherent in Guthrie's system that the element comprises a pointer to the document fragment.

As per claims 14 and 15, which are dependent on claims 13 and 14 respectively, Guthrie teaches the document fragment comprises content, and wherein interpreting the page comprises inserting the content into the page, wherein inserting the content into the page comprises inserting the content into the position of the element in the page (col. 6, lines 25-40).

As per claim 16, which is dependent on claim 1, Guthrie teaches the behavior component comprises script (col. 4, lines 1-2).

As per claim 17, which is dependent on claim 16, Guthrie teaches the behavior component comprises an HTC file (col. 6, lines 41-48).

As per independent claim 18, it is rejected under the same rationale as claims 1 and 12.

As per claim 19, which is dependent on claim 18, it is rejected under the same rationale as claim 13.

As per claim 20, which is dependent on claim 19, Guthrie teaches the interpreting the page comprises applying a behavior of the behavior component to the element (col. 5, lines 25-34).

As per claim 21, which is dependent on claim 19, it is rejected under the same rationale as claim 14.

As per claim 22, which is dependent on claim 21, it is rejected under the same rationale as claim 15.

As per claim 23, which is dependent on claim 18, it is rejected under the same rationale as claim 14.

As per independent claim 24, Guthrie teaches a computer-readable medium having computer executable instructions, comprising:

linking an element placed in a page to a behavior component, the behavior component including content therein; interpreting the page to form a document structure (col. 5, lines 14-18 and lines 33-34);

when interpreting the element, instantiating the behavior component to determine a behavior of the element on the page, the behavior including a pointer to the content (col. 5, lines 26-29);

instantiating the behavior component to create a document fragment, the document fragment maintained separately from the document structure (col. 6, line 41 – col. 7, line 19);

accessing the content via the pointer; and inserting the content into a representation of the page (col. 6, lines 25-40).

Guthrie teaches a separate interceptor code module intercepts the events generated by

users on the HTML interface (for example, clicking on or moving a mouse over an element on

the HTML interface), and then modifies the contents of the HTML document to include inject

code (inject code is just a dynamic script) and finally returns the HTML and the injected code (or

behavior component bounced to the selected element) to the Web browser for dynamic display

(e.g. col. 5, lines 35-58 and col. 6, lines 1-48). However, Guthrie does not disclose the above

dynamic display process coded in dynamic hypertext markup language (DHTML). Krebs teaches

a DHTML language is merely a combination of static HTML and dynamic script (col. 1, lines

52-64). It would have been obvious to one of ordinary skill in the art at the time of the invention

to use the teaching from Krebs of using DHTML as a combination of HTML and dynamic script

in Guthrie's HTML and dynamic script system since it would have allowed Web developers to

implement modularity in their site designs, simplifying updates and alterations.

As per independent claim 25, Guthrie teaches a computer-readable medium having

computer executable components comprising:

a behavior component (col. 5, line 14-18 and line 34);

an import instruction component in a page, the import instruction configured to call for

instantiation of the behavior component during a parsing of the page and further configured to

associate the behavior component with the page (col. 5, lines 14-18 and lines 33-34, and col. 8,

lines 9-34);

an element in the page that is defined by a behavior of the behavior component and

configured such that, during the parsing of the page, the element binds with the behavior

component and applies the behavior (col. 5, lines 26-29, and col. 8, lines 9-34).

Guthrie teaches a separate interceptor code module intercepts the events generated by

users on the HTML interface (for example, clicking on or moving a mouse over an element on

the HTML interface), and then modifies the contents of the HTML document to include inject

code (inject code is just a dynamic script) and finally returns the HTML and the injected code (or

behavior component bounced to the selected element) to the Web browser for dynamic display

(e.g. col. 5, lines 35-58 and col. 6, lines 1-48). However, Guthrie does not disclose the above

dynamic display process coded in dynamic hypertext markup language (DHTML). Krebs teaches

a DHTML language is merely a combination of static HTML and dynamic script (col. 1, lines

52-64). It would have been obvious to one of ordinary skill in the art at the time of the invention

to use the teaching from Krebs of using DHTML as a combination of HTML and dynamic script

in Guthrie's HTML and dynamic script system since it would have allowed Web developers to

implement modularity in their site designs, simplifying updates and alterations.

As per claim 26, which is dependent on claim 25, it is inherent in Guthrie's system that the

behavior component comprises an instruction component configured such that during the parsing

of the page, static content within the element is not parsed.

As per claims 27 and 28, which are dependent on claims 26 and 27 respectively, Guthrie teaches an executable file for accessing the content within the element, wherein the executable file comprises scripts (col. 11, lines 1-30).

As per independent claim 29, Guthrie teaches a computer-readable medium having computer-executable instructions comprising:

interpreting a page, the page comprising an instantiation instruction that calls for instantiation of a behavior component, the behavior component comprising a parsing instruction (col. 5, lines 14-18 and lines 33-34, and col. 8, lines 9-34); and

instantiating the behavior component in accordance with the instantiation instruction, the instantiation precluded by the parsing instruction from parsing static content in the behavior component (col. 5, lines 26-29, and col. 8, lines 9-34).

Guthrie teaches a separate interceptor code module intercepts the events generated by users on the HTML interface (for example, clicking on or moving a mouse over an element on the HTML interface), and then modifies the contents of the HTML document to include inject code (inject code is just a dynamic script) and finally returns the HTML and the injected code (or behavior component bounced to the selected element) to the Web browser for dynamic display (e.g. col. 5, lines 35-58 and col. 6, lines 1-48). However, Guthrie does not disclose the above dynamic display process coded in dynamic hypertext markup language (DHTML). Krebs teaches a DHTML language is merely a combination of static HTML and dynamic script (col. 1, lines 52-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Krebs of using DHTML as a combination of HTML and dynamic script

in Guthrie's HTML and dynamic script system since it would have allowed Web developers to

implement modularity in their site designs, simplifying updates and alterations.

Response to Arguments

6.   Applicant's arguments filed 04/21/2005 have been fully considered but they are not

persuasive.

Applicant argued the followings:

(a) With respect to 101 rejection on claims 18-29, Applicant argued that section

2106(IV)(B)(1)(a) of the MPEP states that functional descriptive material that is recorded on

some of computer-readable medium is structurally and functionally interrelated to the medium

and is statutory since use of technology permits the function of the descriptive material to be

realized. Furthermore, the MPEP specifically states in section 2106(IV)(B)(1)(c) that a signal

claim directed to a practical application is statutory regardless of its transitory nature.

(b) With respect to claims 1, 18, 24, 25 and 29, Guthrie does not disclose a behavior

bound to an element as claimed by applicants.

(c) With respect to claims 1, 18, 24, 25 and 29, Guthrie does not teach or suggest the

manner of how to interpretation the modified HTML document once passed to the browser sine

the injection method is transparent to the browser. Therefore, the modified HTML document will

still be interpreted like any other HTML document. That is, the HTML document will be

interpreted element by element such that any attached behavior component (DHTML or

otherwise) will only be interpreted when activated.

(d) With respect to claims 1, 18, 24, 25 and 29, the combination of Guthrie with the teachings of Kerbs is counter-intuitive since the system of Guthrie is specifically directed to injecting code to be parsed by the browser. It simply does not make sense to inject DHTML code into an HTML document in Guthrie because the intended purpose of using DHTML code in the present invention is to avoid the necessity of injecting additional code into a web page.

(e) With respect to claim 9, Guthrie cannot possibly be construed to teach a behavior component that, when instantiate, insert code (or content).

Examiner disagrees for the following reasons:

(a) Computer grogram per se, implemented on a transmission wave, without being executed by a computer is not tangible. Therefore, it is non-statutory (see MPEP 2106).

(b) Guthrie does teach a behavior bound to an element. The example at column 5, lines 45-48 describes injected user interface component 305 (behavior component) provide links to portions of a 5-day weather forecast (element).

(c) The claim language only states "determining a behavior of the element on the page by instantiating the behavior component in accordance with the import instruction prior to interpreting the element". Guthrie's citing at column 5, lines 27-34 does read on the claimed language by stating that the "injected code in each HTML document is then processed by the browser as described to conditionally generate an instance of the injectable component".

(d) Injecting DHTML code into an HTML document in Guthrie in order to causes the additional behavior to appear reads on the claimed language in which an import instruction references (injects) a DHTML behavior component and links to an element on a page.

(e) According to Guthrie, once a behavior component is instantiated "any contents can be displayed as the injectable component" and the example of the content being inserted into the page includes a drop-down menu 309 and several graphical button 310 (col. 5, lines 45-58). Therefore, Guthrie clearly teaches "instantiating the behavior component comprises inserting the content into the page".

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
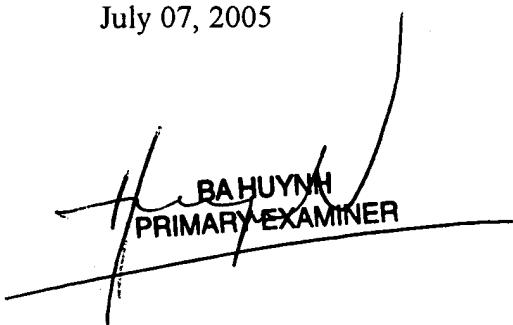
Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D. Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R. Herndon can be reached on (571)272-4136. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
July 07, 2005

BA HUYNH
PRIMARY EXAMINER